



Attorney Docket 04630-5001-90

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **H.J. Su Huang *et al.***

Application No. **09/071,541**

Filed: **May 4, 1998**

For: **Methods to Modulate the Resistance of Cells to Apoptosis Mediated by Mutant Epidermal Growth Factor Receptors**

Group Art Unit: **1623**

Examiner: **K. K. Fonda, Ph.D.**

AMENDMENT UNDER 37 C.F.R. 1.114

In response to the Final Office Action dated December 14, 2001 (Paper No. 19), the period for response having been extended from March 14, 2002 to June 14, 2002 by payment of a three-month extension of time filed with the Notice of Appeal on June 14, 2002 and further extended from June 14, 2002 to November 14, 2002 by payment of an additional three-month extension of time filed concurrently with the Request for Continued Prosecution. Prior to examination on the merits, please amend this application as follows:

In the claims:

Please substitute the following claims for claims 1, 9 & 13 as follows:

1. (Four times amended) A method of modulating an apoptosis-inhibiting effect in a target cell or tissue of a mutant EGFR gene, comprising administering to the cell or tissue an amount of a tyrosine kinase inhibitor that is synergistically effective to reduce resistance to induction of apoptosis or resistance to an increased rate of apoptosis in the target cell or tissue in combination with a therapy that is effective to induce apoptosis or to increase the rate of apoptosis in the cell or tissue.

9. (Thrice amended) A pharmaceutical composition comprising a mixture of:
(A) an amount of an agent that is effective to induce apoptosis or to increase a rate of apoptosis in a target cell or tissue; and
(B) an amount of a tyrosine kinase inhibitor that is synergistically effective to reduce resistance to induction of apoptosis or resistance to the increased rate of apoptosis in the target cell or tissue expressing a mutant EGFR gene, the resistance being mediated by a mutant EGFR.